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THE HONORABLE JOHN C. COUGHENOUR

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

WASHINGTON TOXICS COALITION; ) Civ. No. C04-1998C  
NORTHWEST COALITION FOR )  
ALTERNATIVES TO PESTICIDES; )  
NATIONAL WILDLIFE FEDERATION; )  
DEFENDERS OF WILDLIFE; NATURAL ) DECLARATION OF  
RESOURCES DEFENSE COUNCIL; ) K. ROBERT JOHNSON  
CENTER FOR BIOLOGICAL DIVERSITY; )  
PACIFIC COAST FEDERATION OF )  
FISHERMEN'S ASSOCIATIONS; )  
INSTITUTE FOR FISHERIES RESOURCES; )  
and HELPING OUR PENINSULA'S )  
ENVIRONMENT, )

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF )  
INTERIOR; UNITED STATES )  
DEPARTMENT OF FISH AND WILDLIFE )  
SERVICE; UNITED STATES )  
DEPARTMENT OF COMMERCE; and )  
NATIONAL MARINE FISHERIES )  
SERVICE, )

Defendants,

DECLARATION OF K. ROBERT JOHNSON  
(C04-1998) - 1 -

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1 )  
 2 and )  
 3 )  
 4 CROPLIFE AMERICA, WASHINGTON )  
 5 FRIENDS OF FARMS AND FORESTS, )  
 6 WASHINGTON STATE POTATO )  
 7 COMMISSION, NATIONAL POTATO )  
 8 COUNCIL, WASHINGTON STATE FARM )  
 9 BUREAU, IDAHO FARM BUREAU )  
 10 FEDERATION OF WHEAT GROWERS, )  
 11 WASHINGTON GOLF COURSE )  
 12 SUPERINTENDENTS ASSOCIATION, HOP )  
 13 GROWERS OF WASHINGTON, AND )  
 14 WASHINGTON STATE HORTICULTURAL )  
 15 ASSOCIATION, )  
 16 )  
 17 Defendant-Intervenors. )  
 18 )  
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 23 )  
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11 1. My name is K. Robert Johnson. I am over the age of 21 and competent to testify  
 12 to all matters contained herein. For approximately the past 25 years, I have resided in Renton,  
 13 Washington.

14 2. I have been a member of the National Wildlife Federation (“NWF”) for  
 15 approximately ten years. Additionally, I am a member, and a member of the Board of Directors,  
 16 of Washington Wildlife Federation (“WWF”), a state affiliate organization of NWF. I have been  
 17 a board member of WWF for about three years. Both WWF and NWF work to protect salmon  
 18 and their habitat in Puget Sound and elsewhere. My interest in protecting salmon and their  
 19 habitat was a primary reason for my membership in these groups.

20 3. NWF is one of the world’s largest conservation advocacy and education  
 21 organizations, with over a million members, and many more supporters and affiliated members.  
 22 NWF was founded in 1936, and has 10 offices nationwide, and hundreds of staff members.

23 4. Protecting wild salmon and steelhead, and their habitat, is one of NWF’s primary  
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1 goals. In Puget Sound, NWF focuses on the chief threats to salmon in the region – the  
2 destruction of their habitat through development, including the introduction of pesticides into  
3 salmon-bearing waters from run-off and drift from agricultural, urban, and municipal uses. NWF  
4 has approximately 23,000 members in Washington state, many of whom live within the range of  
5 threatened Puget Sound chinook. Many of these members are recreational or commercial  
6 fishers, who are denied access to fishing opportunities due to the decline of these fish.

7         5. I enjoy fishing for salmon, and have been fishing for salmon in and around Puget  
8 Sound for about 25 years. In fact, I moved to Washington specifically for the outdoor and  
9 fishing opportunities available here. I own a 26-foot fishing boat, and use it for fishing in Puget  
10 Sound regularly. I have owned a boat, and used it for fishing, for most of the time that I have  
11 lived in this region. I keep the boat on a trailer at my home during the limited or no-fishing  
12 months, and in marinas during other times of the year. I intend to keep fishing for chinook  
13 salmon and other salmon in Puget Sound this year and in the future, as long as it is permitted by  
14 regulatory agencies, and as long as I am physically able to go out on my boat and fish.

15         6. In April of 2003, I retired after 23 years with Boeing. I recently reviewed my  
16 boat logs to determine how often I use my boat for fishing. Prior to my retirement, I went out on  
17 my fishing boat approximately 21 days each year. Since my retirement, I typically go out on my  
18 boat about 35 days a year. I fish for salmon on most of these trips, and sometimes for other fish.

19         7. I regularly fish for chinook salmon in Puget Sound. However, since chinook  
20 salmon are increasingly threatened by development and the harmful introduction of toxic  
21 pollutants into their habitat, including pesticides and herbicides, my fishing opportunities are  
22 increasingly negatively impacted. Seasonal fishing restrictions, based on reduced salmon  
23 numbers, affect my ability to fish. When I am able to get out fishing on my boat, there is a one  
24

1 fish limit for chinook. Getting the boat in the water and getting ready to go fishing takes a lot of  
2 time and effort, and thus, a limit of one fish discourages me from going out on the boat and  
3 going fishing. (Last year the restrictions changed, and a two fish limit is now available for a  
4 portion of the year). If I were allowed to catch more fish, I would go out more often.

5 8. During other times of the year, there are other restrictions on fishing that limit my  
6 ability to fish for chinook or other species. For example, usually catch and retain fishing is  
7 restricted to an area of South Puget Sound which is managed for hatchery fish. Catching and  
8 retaining chinook north of this area (roughly the line between Alki Point on West Seattle and  
9 Vashon Island) is prohibited.

10 9. One of my favorite places to fish used to be Possession Bar, off the southern tip of  
11 Whidbey Island. I can't fish there anymore because of regulations intended to protect threatened  
12 chinook salmon, who were listed under the Endangered Species Act in 1999.

13 10. In short, the reduced opportunities to fish, which are put in place to protect  
14 imperiled salmon populations, have reduced my ability to enjoy a pastime that is very important  
15 to me. If there were more opportunities to go fishing, I would definitely take those opportunities.  
16 For example, the fishing season generally doesn't open until mid-July. I would definitely like to  
17 fish more in the spring and early summer, but am precluded from doing so.

18 11. I have not done much fly-fishing in rivers in Puget Sound in the past. However, I  
19 would like to do so – I live a few hundred yards away from the Cedar River and purchased fly  
20 fishing equipment a couple of years ago. Fishing on the Cedar River is prohibited to protect  
21 imperiled fish populations. If it were not prohibited, I would definitely fish on the Cedar River.

22 12. I enjoy fishing a great deal. I like being on the water with friends and family,  
23 away from the stresses of daily life. It lifts my spirits to be on my boat on the water in the fresh  
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1 air and sunshine fishing for chinook salmon and other salmon species. I derive great satisfaction  
2 from catching and reeling in a wild salmon from the ocean. Even if I don't catch a salmon, I  
3 enjoy observing these fish swimming in open water and simply knowing that they are there.

4 13. Destruction of habitat, including the introduction of pesticides and herbicides into  
5 salmon waters as run-off and spray drift from agricultural, industrial, and municipal uses, has  
6 been one of the chief causes of the sharp decline of chinook and other salmon in recent decades.  
7 This destruction of habitat injures me and my interests because it reduces my opportunity to fish  
8 and the enjoyment I derive from fishing. Conversely, reducing the load of pesticides and  
9 herbicides that reach salmon waters would improve the numbers of salmon and provide me more  
10 fishing opportunities in the future.

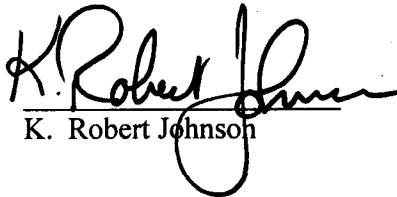
11 14. NWF and its members, including me, are impacted by the failure of defendants  
12 NOAA Fisheries and the U.S. Fish and Wildlife Service ("FWS") (collectively, the "Services")  
13 to comply with the Endangered Species Act ("ESA") and National Environmental Policy Act in  
14 delegating to EPA their mandatory ESA duties to ensure that federal actions do not take listed  
15 species or destroy or adversely modify their habitat. We are also harmed by the Services'  
16 approval of EPA's pesticide risk assessment methods, which are not adequately protective of  
17 listed species, including threatened Puget Sound chinook, and which fail to account for the  
18 cumulative effects of pesticides on listed species, or the sublethal effects that endanger their  
19 ability to resist disease and predation in the wild. The Services and EPA have weakened the  
20 protections for listed species from pesticides under the Endangered Species Act and federal  
21 pesticide laws. These actions degrade water quality and salmon habitat, because they allow  
22 pesticide residues to injure salmon indirectly by destroying their food and sheltering vegetation,  
23 and directly. These actions are a contributing cause of the decline of salmon and steelhead  
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1 species throughout Puget Sound and the Pacific region. NOAA Fisheries and FWS's unlawful  
2 delegation of their mandatory ESA duties to the EPA will result in continued habitat and water  
3 quality degradation that will continue to harm ESA-listed fish and prevent their recovery, and  
4 could result in further ESA listings of currently unlisted salmon. These actions harm me because  
5 they limit my ability to fish for salmon, a recreational activity from which I receive substantial  
6 enjoyment.

7 15. In March 2003, NWF commented on the Services and EPA's advanced notice of  
8 proposed rulemaking that lessened protections for listed species from pesticides. In April 2004,  
9 NWF submitted comments to the Services urging them not to adopt their proposed rule, issued in  
10 January 2004, that similarly lessened protections for listed species from pesticides.

11 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
12 and correct to the best of my knowledge.

13 Executed this 12 day of May, 2005, at Seattle, Washington

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17 K. Robert Johnson  
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25 DECLARATION OF K. ROBERT JOHNSON  
26 (C04-1998) - 6 -

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